

FARMINGTON CITY COUNCIL MEETING

Tuesday, December 1, 2009

CITY COUNCIL WORK SESSION/EAST & WEST CONFERENCE ROOMS

PRESENT: Mayor Scott Harbertson, Council Members David Hale, Paula Alder, Sid Young, City Manager Max Forbush, City Planner David Petersen, Attorney Jody Burnett, and Recording Secretary Kami Mahan.

Mayor Harbertson opened the work session at 5:32 p.m. and **Paula Alder** offered an invocation.

Closed Session

At 5:33 p.m., **David Hale** moved to go into closed session to discuss strategy as it pertains to pending litigation and the acquisition of real property. **Paula Alder** seconded the motion, which passed with Council Members **Young, Hale, and Alder** voting in favor. A motion pertaining to an item discussed during the closed session was made later in the City Council meeting.

[Attorney **Jody Burnett** left the meeting at 5:58 p.m.]

Paula Alder made a motion to go back into open session at 6:14 p.m. **David Hale** seconded the motion, which was unanimously approved by Council Members **Hale, Alder, and Young**. The Council then moved into the east conference room for the remainder of the work session. Also present at this time were Assistant City Planner **Glenn Symes**, Finance Director **Keith Johnson**, and representatives from D.R. Horton and Richmond American Homes.

Mayor Harbertson reported that Councilmen **Rick Dutson** and **Cory Ritz** would arrive later in the evening, and that City Recorder Margy Lomax would be absent due to a death in the family.

Budget Review

Finance Director **Keith Johnson** distributed copies of the updated Farmington City Corporate Budget and reviewed the following budgetary items: the General Fund Balance, the Summary of Revenues, a Revenues graph, Sales Tax, Building Permits, a General Fund Revenues and Expenditures graph, General Fund Actual Revenues and Expenditures, and the swimming pool revenues and expenditures. Sales tax revenues are down but building permit fees are up. All departments are under budget. **Mr. Johnson** said that an audit report would be presented at the next Council meeting.

[**Cory Ritz** arrived at the meeting at 6:34 p.m.]

Review of Richmond American Homes House Elevations for Old Farm Subdivision. (Agenda Item #7)

Mayor Harbertson said he was concerned that this is a sensitive area and it was important that any development follow NMU guidelines. He welcomed the representatives who were present from Richmond American homes and D.R. Horton. **David Petersen** briefly reviewed the background of this development and distributed copies of the originally approved plans. He said the developers have been working with City staff and progress has been made. **Glenn Symes** explained that clarification is still needed with regard to whether the updated elevations meet ordinance requirements for building facade variety and visibility from the streets. He also reported that issues of compliance regarding the multi-family units have been addressed with the developers, and that he did not foresee a problem with proposed colors and materials. He said he has reviewed the building permits Richmond American has submitted and only found a problem on the south side of Lot 315.

The Council spent time reviewing and discussing the updated elevations.

The Work Session ended at 6:57 p.m.

REGULAR CITY COUNCIL/CITY CHAMBERS/CALL TO ORDER

PRESENT: Mayor Scott C. Harbertson, Council Members David Hale, Paula Alder, Sid Young, Cory Ritz, City Manager Max Forbush, City Planner David Petersen, Assistant Planner Glenn Symes, Deputy City Recorder Holly Gadd, and Recording Secretary Kami Mahan.

Mayor Harbertson called the meeting to order at 7:03 p.m. **Mayor Harbertson** offered the invocation and the Pledge of Allegiance was led by **David Hale**.

The **Mayor** excused City Recorder Margy Lomax and said Councilman Dutson may arrive later in the meeting. He recognized and welcomed Youth City Council Members **McKenzie Madsen**, **Adam Creager**, and **Caitlyn Miller**.

APPROVAL OF MINUTES OF PREVIOUS MEETING (Agenda Item #2)

The minutes of the November 10, 2009, Special City Council meeting, and the regular City Council meeting held November 17, 2009, were reviewed, and a minor correction was made.

Motions

David Hale moved to approve the minutes of the November 10, 2009, Special City Council meeting. The motion was seconded by **Paula Alder** and approved by Council Members **Hale**, **Young**, **Ritz**, **Alder**.

A motion was made by **Sid Young** to approve the minutes of the regular City Council meeting held November 17, 2009, with changes as noted. **Cory Ritz** seconded the motion, which passed by Council Members **Hale**, **Young**, **Ritz**, and Alder.

SERVICE ACKNOWLEDGMENT FOR RETIRED FIRE FIGHTER HAL MANNING. (Agenda Item #3)

Mayor Harbertson invited Fire Chief **Larry Gregory** and retired Firefighter **Hal Manning** forward. **Chief Gregory** acknowledged and commended **Mr. Manning's** skills as the "Chief Engineer" for monitoring and maintaining equipment for the department. He thanked **Mr. Manning** for his valuable work for the community, and presented him with a plaque to honor his 35 years of service.

Mayor Harbertson and the members of the City Council then presented **Mr. Manning** with the new Farmington coin. **Mr. Manning** stated that it was an honor to work with the department and that he missed his fellow workers.

CIERA PEKARCIK - MISS FARMINGTON - PRESENTATION OF PROJECT IDEAS. (Agenda Item #4)

Mayor Harbertson invited Miss Farmington **Ciera Pekarcik** to address the Council. **Miss Pekarcik** updated the Council on recent activities, including the Farmington Halloween event. She said she was impressed at the generosity the community demonstrated at the event, which earned \$150.00 in voluntary contributions. She said she wants her platform to be one of service and that she has a strong desire to be involved in the community. **Miss Pekarcik** reported that she wants to designate a family for a Sub-for-Santa project, but that this has been difficult due to privacy and other issues. She asked the Council for suggestions, and **Mayor Harbertson** said he had ideas and asked her to contact him. **Miss Pekarcik** stated that a "Farmington's Got Talent" program is scheduled for February 27, 2010. **Mayor Harbertson** commended **Miss Pekarcik** for her work as Miss Farmington.

GEORGE CHIPMAN - TRAILS COMMITTEE REPORT. (Agenda Item #5)

Mayor Harbertson turned the time over to **George Chipman**, who stated that the Trails Committee had reached a significant milestone with the completion of the 100th mile of trail in the trail system. He displayed an overhead graph of trail miles in Utah cities, and reported that Farmington is exceeded in numbers of non-motorized trail miles only by Moab. He also showed an overhead picture of the current power-hiker patches, which will now include a 100-mile patch.

Mr. Chipman reported that a new guidebook to the Farmington trails is being published, which will contain new shaded topographical maps and the 100-mile map. **Mr. Chipman** displayed overhead aerial views of the hiking and mountain trails maps, which shows waterfalls, campsites, and other areas of interest. He said there would be room on the back cover for sponsors to advertise, and it is anticipated that current funds, donations, and volunteer efforts will preclude requesting money to publish the guidebook. He reported that there are sixteen Eagle Scout projects underway for the trails.

Motion

Sid Young moved to accept all 100 miles of trails into the Farmington trail system, to approve the updated 20-year master map, to include the 100-mile map in the trail booklet, and to express appreciation to George Chipman for his leadership. **Paula Alder** seconded the motion, which was approved by Council Members **Young, Alder, Ritz, and Hale**.

PLANNING COMMISSION REPORT (Agenda Item #4)

No report was given since the Planning Commission has not held a recent meeting. The next scheduled Commission meeting is December 10th.

REVIEW OF RICHMOND AMERICAN HOMES HOUSE ELEVATIONS FOR OLD FARM SUBDIVISION. (Agenda Item #7)

Mayor Harbertson stated that some discussion on this matter was held during the work session. Copies of elevations and area maps for the Old Farm Subdivision were distributed, and **Glenn Symes** said that an updated version of the plans based on the ordinance was not yet available. **Ben Whitney** of Richmond American Homes said that there is a price differential of approximately \$3,000 for each elevation. He said they would like to retain the elevations with brick and stone, and the ones without can be excluded. The **Mayor** said the City wants to ensure compliance with NMU design guidelines. He said staff has resolved issues raised at the last meeting, and the remaining issue is the ordinance requirement of breaking up the facade view from the street, which is a problem on the elevation for Lot 315. In response to a question, **Mr. Whitney** said the price range of the homes will be from \$220,00 to \$260,000. He said that they discussed with staff the idea of using wainscoting down the entire side to create variety on the corner lot home. He proposed using landscaping in the form of trees, shrubs and bushes as a way to break up the facade and asked the Council Members for their input on this solution. He also said he needed clear communication regarding the Council's wishes so that requirements are made clear to buyers up front.

The Council reviewed the home elevations and discussed them with the developers at some length. Potential options to break up the home facades such as bay windows or cantilevers were considered. **Ben Whitney** explained the engineering process which was followed in creating the elevations, and he raised concern that upgrades and facade changes would result in increased engineering costs. Council Members felt that the area's visibility requires stringent standards. After extended discussion, it was determined that the developers could work closely with staff to come up with the needed facade improvements in a way that adequately follows the ordinance.

A motion was made and seconded, and there was further discussion on the visibility of various home facades from surrounding streets, as well as the homes' architectural features.

Motion

David Hale moved to approve the elevations as submitted, excluding “Elevation A” on the following models: “Andrew”, “Aaron”, “Angelina”, and “Allison”; and that the developers will work with staff to ensure compliance with the ordinance in determining side facade treatments. **Cory Ritz** seconded the motion, which was approved by Council Members **Ritz, Hale, Alder, and Young**.

CONSIDERATION OF D.R. HORTON HOUSING ELEVATIONS FOR “OLD FARM” SUBDIVISION. (Agenda Item #8)

Mayor Harbertson said the same concerns regarding the NMU guidelines exist for this development as for Richmond American, and he read a portion of the text pertaining to having the sides and backs of the units receive similar architectural treatment as the fronts. **Grant Lofgren** of D.R. Horton explained how their homes are in compliance because of differing planes, roof-line changes and gables. He said no engineering changes are needed. They will follow architect suggestions for material on the backs to make the pop-outs more interesting and give variety. **Mr. Lofgren** said they already have back treatment on four of the nine buildings, and will do the remaining five if this is what the Council wants.

The proposed homes along Highway 89 were discussed, and **Mr. Lofgren** requested an exception in this area because of price and sound issues, and because it would require re-design. The possibility of adding balconies was discussed, since all the homes will be two-story. **Mr. Lofgren** said there is an option for an extended kitchen nook, which was also discussed. Council Members agreed that they don’t want the homes to have an apartment-like appearance, and that the kitchen bump-outs were the best alternative. It was clarified that facade variety does not need to extend to the second floor, the breakup needs to be ten feet or more, and that dressing up the rear of the multi-family units is needed. Side treatments will be worked out with staff.

Motion

David Hale made a motion to approve the elevations; that the homes along Highway 89 will have building facade variety; and that the NMU ordinance will be followed. The motion was seconded by **Cory Ritz**, and was approved by Council Members **Ritz, Hale, Young, and Alder**.

Glenn Symes said the developers will go with the Craftsman style homes rather than the Traditional, and that they are committed to using more expensive materials.

[**Rick Dutson** arrived at the meeting at 8:19 p.m.]

CONSIDERATION OF PROPOSED MODIFICATIONS TO THE PROPERTY EXCHANGE AND DEVELOPMENT AGREEMENT FOR THE ROCK MILL ESTATES SUBDIVISION, INCLUSIVE OF THE CONSERVATION EASEMENT AND OTHER EXHIBITS. (Agenda Item #9)

Mayor Harbertson explained that this is generally the same agreement approved two years ago, but that it has taken two years to resolve all issues. He reviewed the changes in the agreement and **David Petersen** made several clarifications.

Motion

A motion was made by **Rick Dutson** and seconded by **Cory Ritz** to approve the property exchange and development agreement, and the motion passed with Council Members **Ritz, Dutson, Young, Hale**, and **Alder** voting in favor.

MINUTE MOTION APPROVING SUMMARY ACTION LIST (Agenda Item #10)

- **Approval of PEHP dental coverage agreement**
- **Approval of Woodside Farmington Meadows Improvements Agreement**
- **Approval of Resolution authorizing the Mayor to sign documents necessary to submit claims for abandoned property.**
- **Ratification of previous approval of Vacation Order for “The Village at Old Farm” Subdivision.**
- **Approval of “Comfort Systems” maintenance contract.** The **Mayor** recommended having competitive bids next year, that run for a three year contract.
- **Approval of Gallagher Business Services/Business Associates Agreement.** The **Mayor** said that regardless of what the City’s health insurance policy says, HIPPA laws state that it is the City’s responsibility to ensure that privacy is maintained. The agreement has been reviewed by legal counsel.
- **Approval of Change Order #2 with Morgan Asphalt Contract**

Motion

David Hale moved to approve the Summary Action List. **Sid Young** seconded the motion, which was approved by Council Members **Hale, Alder, Dutson, Ritz**, and **Young**.

ORDINANCE ESTABLISHING CITY COUNCIL MEETING SCHEDULE (DATES AND TIME) FOR 2010. (Agenda Item #11)

Mayor Harbertson reviewed the proposed dates for the 2010 City Council calendar. **Sid Young**

recommended changing the April 6th meeting to March 30th due to the scheduled spring break. The 2010 calendar dates for City Council meetings will be as follows:

January	5 th	&	19 th		
February	2 nd	&	16 th		
March	2 nd	&	16 th	&	30 th
April	20 th				
May	4 th	&	18 th		
June	1 st	&	15 th		
July	6 th	&	20 th		
August	3 rd	&	17 th		
September	7 th	&	21 st		
October	5 th	&	19 th		
November	3 rd	&	16 th		
December	7 th	&	14 th		

Motion

Sid Young moved to approve the Ordinance as amended for establishing dates for regular City Council meetings in 2010. The motion was seconded by **David Hale** and passed by Council Members **Young, Hale, Ritz, Alder, and Dutson**.

REAL ESTATE AGREEMENT WITH “C” LIMITED PARTNERSHIP PERTAINING TO STREET DEDICATION OF A PART OF STATION PARKWAY. (Agenda Item #12)

Mayor Harbertson stated that reaching this agreement has been a long process. He said the Cooks have signed the agreement but are opposed to a fence installed by Rich Haws on the right-of-way along Burke Lane abutting their property. The **Mayor** pointed out the location of the fence on a map of the area. He said the Cooks want the vacation of the 33 feet to be theirs, and not Mr. Haws'. The **Mayor** said this was fair, and that staff needs to instruct Rich Haws to remove the posts and move the gate so it does not interfere with the Cook's property. The **Mayor** also said that to satisfy the Cooks, the City has offered an additional \$50,000 compensation which would go toward impact credits they will have for their development property.

Motion

A motion to approve the real estate agreement was made by **David Hale** and seconded by **Rick Dutson**. The motion was approved by Council Members **Hale, Dutson, Alder, Young, and Ritz**.

CONSIDERATION OF AMENDMENT OF POLICY REGARDING THE PROHIBITION OF PORTABLE BASKETBALL STANDARDS WITHIN CITY STREETS. (Agenda Item #13)

Mayor Harbertson referred to a letter in the packet requesting an exception to the prohibition of portable basketball standards. He said it is not the duty of the City Council to offer a variance, and he recommended that the policy not be changed. He said the City Manager has ideas that can be suggested to the resident. The Council agreed with this recommendation.

RECYCLING RESOLUTION AND/OR ORDINANCE PERTAINING TO RESIDENTIAL CURBSIDE RECYCLING/POLICY DISCUSSION REGARDING THE ACCEPTANCE OF LATE “OPT-OUT” REQUESTS. (Agenda Item #14)

The following documents were distributed: (1) “ Farmington City Residential Curbside Recycling Program” Policies and Procedures, (2) Resolution Setting Forth Additional Policies Regarding Curbside Recycling, (3) Ordinance amending the City Code relating to recycling, and (4) a list of late opt-out requests to be considered by the City Council. **Mr. Forbush** said there were 95 slots left before the 20% maximum opt-out limit is reached. He has spoken with Steve Robinson about modifying the original limits, and Mr. Robinson was hesitant to concur until they’ve had a month’s experience with the project. The Council discussed the matter. **Mr. Forbush, Mayor Harbertson, and Sid Young** said they believed opt-out requests will not reach the 20% limit. If the limit is reached, citizens requesting late opt-out can be put on a waiting list and be opted out as new residential growth increases.

Motion

Paula Alder moved to have staff write a letter to citizens who have requested opt-out of the recycling program, to inform them that their requests have been approved. The motion was seconded by **David Hale** and passed unanimously by Council Members **Alder, Hale, Young, Ritz, and Dutson**.

Max Forbush said that official approval of an ordinance amending Section 7-3-102 of the City Code was needed with regard to recycling. He also reviewed with the City Council the need to adopt a Resolution adopting the policies and procedures regarding recycling. Some changes to the policies were made to the document as follows.

1. Policies and Procedures, Section 1 (1.3) - The sentence reading “All multi-family residential complexes with three or more dwelling units” will be stricken.
2. Policies and Procedures, Section 1 (1.2), the following sentence will be added: “Should opt-out requests as of December 31, 2009, be 20% of the City’s residential customers, opt-out approval beyond the 20% will be delayed until such time that new growth of population opens additional opt-out opportunities. Such approvals will be granted in the order that applications are received until all requests received by the 12-31-09 deadline are processed.”

3. Policies and Procedures, Section 1 (1.4 (b)): The following sentence will be added: “Good cause does not include missing the August 7th and December 31st deadline because they were not aware of the deadline.”

Mr. Forbush said there is a likelihood that a good cause may be raised by some existing residents, who can write a letter and their excuse must comply with the reasons given in 1.4 b (1) (2) (3) and (4).

Mr. Forbush reviewed Section 2 of Policies and Procedures which addresses how new residents can resolve an objection to recycling. He also briefly reviewed Sections 3, 4, and 5. It was clarified that those who do not want to participate in recycling but have not been approved for exclusion and are still paying the fee, can have their recycling cans picked up if they wish. The additions/changes were included in the Resolution for consideration.

Motion

Sid Young moved to adopt the Ordinance amending 7-3-09 of the City Code, and the Resolution as changed by the City Council. **Rick Dutson** seconded the motion. A roll call vote was taken, and Council Members **Alder, Dutson, Hale, Young, and Ritz** all voted in favor.

The Council commended the efforts the City Manager and staff have made to see that citizen needs are met with the recycling program. Mr. Forbush agreed to have the City Attorney review the Resolution for potential additional amendments.

REVIEW OF OPTIONS FOR “AUDIENCE CHAIRS” FOR CITY COUNCIL ROOM AT THE NEW CITY HALL. (Agenda Item #15)

A sample “audience chair” was on display in the Council room, and Council Members discussed the wood and seat options for the chairs in the new City Hall. **Max Forbush** said that \$27,000 is budgeted for the chairs, and the Council’s preferred style of chair would be an additional \$6,000, which can be paid for out of the contingency fund. The Council agreed to order the style of the sample chair with cherry wood and upgrading to padded seats.

REVIEW OF BOND ISSUANCE OPTIONS FOR RDA PROPERTY ACQUISITIONS AND FOR CONSTRUCTION OF STATION PARKWAY. (Agenda Item #16)

Mayor Harbertson introduced this Agenda Item. **Max Forbush** explained that this matter involves the financing of the Station Parkway construction of the road from Park Lane to Burke Lane, and the use of Highway 89 RDA project funds for the contribution to land acquisition for housing purposes in the downtown area. Copies were distributed of the “Financing Plan for Station Parkway Road Project” and a summary of the RDA \$822,000 Tax Increment Bonds, Series April, 1, 2010.

Mr. Forbush said that a parameters resolution for sales tax revenue bonds for financing the road will be proposed at the next City Council meeting. He said the City is contractually bound to Rich Haws for building the road. He noted that if the Council issues these bonds, there will not be another project for a number of years since the City is at its limit. He said there is a provision for development of land for Station Park, and the tax increment now planned for 2012 will pay the City half the cost of the money spent on this road, which will be finished by then.

Mr. Forbush then reviewed the Station Park road project financing plan and explained in some detail how cost projections were estimated. Regarding property acquisition, he said that is being done by granting prepaid Transportation Impact Fee credit to the property owners Haws and Cook, and a bank. He said it does not take cash from the City or necessitate financing. There was discussion concerning Benchland Water District's ability to participate in funding. **David Hale** noted that Benchland's cost of moving the power line, and the Forest Service's role in this matter were delaying Benchland's participation, and the City should "sweeten the pot" to encourage Benchland to move forward. Cost estimates with and without Benchland Water District's participation on the Station Parkway project were discussed.

Max Forbush noted that meeting Haws' deadline will require starting in January. **Mayor Harbertson** requested that a meeting be set up with Benchland Water District to address ways to expedite bidding the project.

With regard to the Redevelopment Agency of Farmington, **Mr. Forbush** said the purpose is to buy the property and subsidize the Station Parkway road construction. The City has \$300,000 available. If the bank thinks the RDA money is secure, it will loan 100%. If it does not, it will loan 75%. The City is collecting tax increments from building in the Highway 89 project area.

The Council discussed the matter briefly, and **Max Forbush** said he will contact the bond attorney to draft a parameters resolution for a higher amount, probably up to \$3 million, but that does not mean the City will borrow that amount.

MAYOR AND CITY COUNCIL REPORTS (Agenda Item #17)

Mayor Harbertson reported on a meeting with UDOT officials regarding the "West Davis Corridor." He said a study taking three to five years will begin in January, and there will be numerous public hearings in area cities. At UDOT's request, names have been submitted to be considered as public relations liaisons.

The **Mayor** requested that the Council consider funding for new Christmas banners, particularly for the decal logo on the entrance by Park Lane. The Council discussed this issue and it was decided that City Christmas decorations in general need to be evaluated.

Motion

Paula Alder moved to evaluate funding for all City Christmas decorations. **Rick Dutson** seconded the motion, which was approved by Council Members **Young, Hale, Alder, Ritz, and Dutson**.

The **Mayor** suggested that the Parks and Recreation department be in charge of the evaluation.

Mayor Harbertson inquired about **Paula Alder's** plans for ending her work with the Youth City Council. **Ms. Alder** responded that she would continue to participate in assisting with applications, interviews, and other activities to help in the transition. She also requested that Council Members get the word out about YCC applications.

Sid Young raised the issue of the Davis County Commission's plans with regard to the existing courthouse. The importance of the City's staying informed to ensure consistency in the building process was noted.

MISCELLANEOUS Agenda Item #18)

- **Miscellaneous**
 - **Memo from Police Chief on Parking Fines**

Max Forbush said Police Chief Wayne Hansen did a comparison of parking fines in surrounding cities, and it was found that Farmington's fines are substantially lower. **Mr. Forbush** proposed raising the City's fines to be comparable with other cities, and following a brief discussion the Council agreed to increase parking fines to \$25.00.

Motion

A motion was made by **Cory Ritz** and seconded by **Paula Alder**, to raise the City's parking fine to \$25.00. The motion was approved by Council Members **Alder, Ritz, Dutson, Young, and Hale**.

- **Review of Mark Nelson letter regarding Farmington Preserve Residential Open Space**

Max Forbush said that Mark Nelson has been successful in obtaining funds from the County for maintenance on open space in the Farmington Preserve area, and he has now drafted an agreement for the common area maintenance. The agreement would pay the City for maintaining the area. **Mr. Forbush** said that time was needed for review of the agreement by staff and the City Attorney.

Motion

David Hale moved to authorize the City Manager to delay contacting Mark Nelson until after the first of the year, to allow time for evaluation and review of the agreement by staff and legal counsel. The motion was seconded by **Rick Dutson** and was approved by Council Members **Dutson, Hale, Ritz, Young, and Alder**.

- **Appointment of Planning Commission Membership Selection Committee**

It was decided that **Rick Young, Cory Ritz**, and John Bilton will be appointed to serve on the Planning Commission selection committee. Interviews will be held before the middle of December.

- **Minute Motion adjourning to closed session to discuss strategy as it pertains to pending litigation and acquisition of real property.**

A closed session was held earlier in the evening during the work session.

Motion

Sid Young moved to authorize Attorney Jody Burnett to move forward regarding delinquent S.I.D. accounts. The motion was seconded by **Paula Alder** and was unanimously approved by Council Members **Young, Alder, Dutson, Hale, and Ritz**.

ADJOURNMENT

David Hale moved to adjourn, and **Paula Alder** seconded the motion, whereupon the meeting adjourned at 9:57 p.m..

Holly Gadd, Deputy City Recorder
Farmington City